

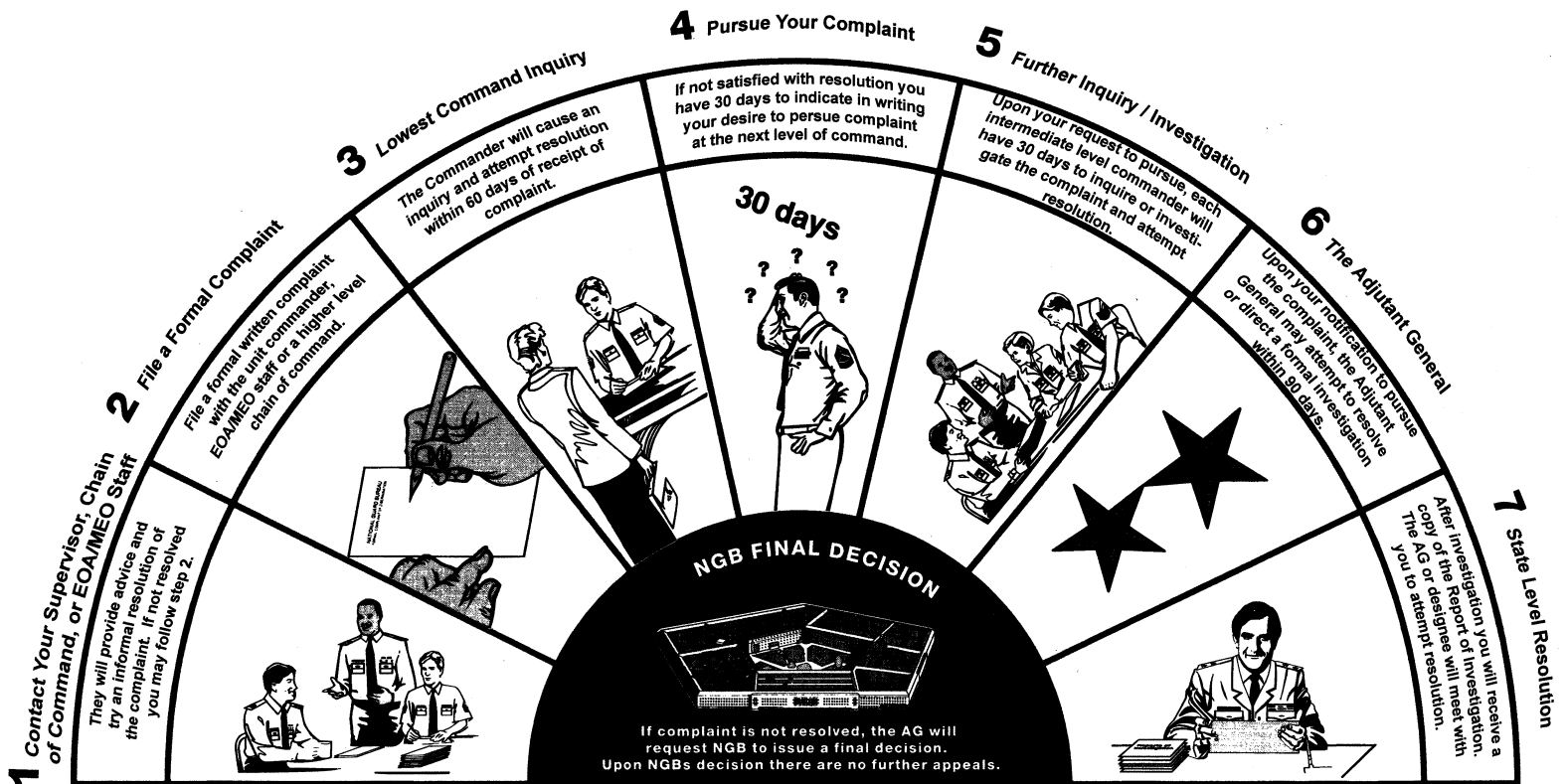


Departments of the Army and the Air Force
NATIONAL GUARD BUREAU



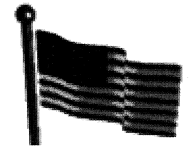
KNOW THE FACTS ABOUT FILING A COMPLAINT OF DISCRIMINATION

If you are a National Guard military member, AGR (Title 32 USC), or an applicant for membership and you feel you have been discriminated against due to race, color, religion, gender (Including sexual harassment), national origin, or retaliation (based on EO activity) you must file within 180 days...





YOU HAVE A RIGHT TO FILE A COMPLAINT OF DISCRIMINATION!



National Guard
Americans At Their Best

Your Equal Opportunity Official

NAME _____
LOCATION _____
TELEPHONE _____
ORGANIZATIONS: SERVED _____

Authority: NGR(AR) 690-600/NGR (AF) 40-1614

If you are a National Guard Technician or applicant for a Technician position and feel that you have been discriminated against due to race, color, religion, gender (including) sexual harassment, national origin, age or handicap, you must act within 45 Calendar days, following the steps provided in this poster.

1st STEP Contact Your EEO Counselor

You must report the allegations to an EEO Counselor or State Equal Employment Manager (SEEM) within 45 days of the incident. Informal attempts at resolution will be handled through either the traditional EEO Counseling process or through an Alternative Dispute Resolution (ADR) process.



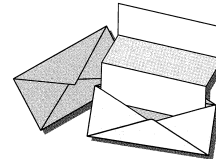
2nd STEP Informal Stage

During the Informal Stage, the traditional EEO counseling process allows 30 days for resolution of allegations or, if you choose the ADR process, it allows 90 days for resolution. (Election of the ADR process eliminates the use of the traditional EEO counseling process). If not resolved during the Informal Stage you can go to Step 3.



3rd STEP File a Formal Complaint

At the end of the informal stage you have 15 days to decide whether you wish to file formal. Your EEO Counselor will assist you with preparing NGB Form 713-5 to file with the SEEM.



4th STEP Your Complaint will be Investigated

The National Guard Bureau will conduct a fact finding or send an investigator to conduct an investigation. You will receive a report of the investigation within 180 days of filing your complaint.



5th STEP Request Immediate Decision or Hearing

You will be provided a copy of the Report of Investigation. You must then decide whether to ask for an immediate National Guard Bureau decision or a hearing by an EEOC Administrative Judge (AJ).



6th STEP Hearing and Final Action

If an Administrative Judge hears your case, you will issued a decision within 180 days. The National Guard Bureau (agency) will take final action by issuing a final order within 40 days of receipt of the AJ's decision.



7th STEP Appeal to EEOC

You may appeal the Agency's dismissal, decision, or final action within 30 days of receipt directly to EEOC at the address shown below.

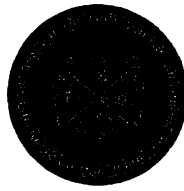


8th STEP File A Civil Action

You may file a Civil Action in the appropriate United States District Court: within 90 days
(1) Of receipt of the final action if no appeal is filed
(2) Of Receipt of EEOC's final decision on appeal
OR
(3) 180 days from the date of filing an appeal with EEOC if there has been no final decision by the Commission.



YOU ARE ENTITLED TO A REPRESENTATIVE OF YOUR CHOICE THROUGHOUT THIS ENTIRE PROCESS.



National Guard HUMAN GOALS

Our nation was founded on the principle that all individuals have infinite dignity and worth. The National Guard, with its state and federal missions, must always be forthright and diligent in carrying out this principle. We must be respectful and supportive of individual needs, capabilities and aspirations.

A well trained, well equipped, diversified and cohesive National Guard is essential to the Defense of our Nation. The National Guard represents the best that America has to offer as Airmen and Soldiers serve the cause of freedom worldwide. Our National Guard personnel are entitled to serve in an environment that employs their talents, develops their potential, and recognizes their achievements. Our strong commitment to the National Guard team and their families must accurately symbolize the weight of the responsibility and trust placed in their skill and selfless service as they work side-by-side with members from all branches of America's military force. The leadership and commitment of the National Guard will instill the highest sense of pride in our people, their work, their uniform, and the National Guard missions.

TO ATTAIN THESE GOALS, WE MUST STRIVE--

To attract to the National Guard men and women with ability, dedication and capacity for growth.

To improve morale and productivity through visible and active command programs of equal opportunity and regard for individual well-being and safety as an integral part of the readiness of the National Guard.

To reflect the demographic diversity in each state and territory using innovative methods to recruit, train, retain, and promote the Guard's military members, technicians and civilian employees.

To foster a culture that treats men and women as full and equal partners on the National Guard team.

To develop tomorrow's expeditionary Airmen, Soldiers and civilians, consistent with the requirements of law. America's security depends upon it.

To make the National Guard a leader in the fair, equitable and nondiscriminatory treatment of all its members and employees.

To establish an environment in the National Guard that recognizes people as its most important resource.

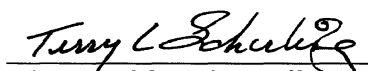
To promote an environment that encourages teamwork and constructive working relationships, that employs the best available leadership practices, techniques and tools for the continuous pursuit of excellence.

To enhance the members' military and civilian job performance by establishing and maintaining community support and to strengthen the partnership between employers and military leaders of the National Guard.


Director, ARNG


Chief, National Guard Bureau


Director, ANG


Director of the Joint Staff, NGB



**National Guard Bureau
Office of
Equal Opportunity
and
Civil Rights**

For Inquiries
or
Complaints of
Discrimination
or
Sexual
Harassment

**HOTLINE
800/371-0617**

OR WRITE:

***National Guard Bureau
Office of Equal Opportunity and Civil Rights, NGB-EO/CR
1411 Jefferson Davis Highway, Room 2400
Arlington, Virginia 22202-3231***



FACTS ABOUT RELIGIOUS DISCRIMINATION

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. The Act also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer (see also 29 CFR 1605). Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers are examples of accommodating an employee's religious beliefs.

Employers cannot schedule examinations or other selection activities in conflict with a current or prospective employee's religious needs, inquire about an applicant's future availability at certain times, maintain a restrictive dress code, or refuse to allow observance of a Sabbath or religious holiday, unless the employer can prove that not doing so would cause an undue hardship.

An employer can claim undue hardship when accommodating an employee's religious practices if allowing such practices requires more than ordinary administrative costs. Undue hardship also may be shown if changing a bona fide seniority system to accommodate one employee's religious practices denies another employee the job or shift preference guaranteed by the seniority system.

An employee whose religious practices prohibit payment of union dues to a labor organization cannot be required to pay the dues, but may pay an equal sum to a charitable organization.

Mandatory "new age" training programs, designed to improve employee motivation, cooperation or productivity through meditation, yoga, biofeedback or other practices, may conflict with the non-discriminatory provisions of Title VII. Employers must accommodate any employee who gives notice that these programs are inconsistent with the employee's religious beliefs, whether or not the employer believes there is a religious basis for the employee's objection.

FILING A CHARGE

Charges of religious discrimination may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most local telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-669-EEOC. EEOC's toll free TDD number is 800-800-3302. This fact sheet is also available in alternate formats, upon request.

If you have been discriminated against on the basis of religion, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay or other remuneration, or reasonable accommodation, including reassignment. You may also be entitled to damages to compensate you for future pecuniary losses, mental anguish and inconvenience. Punitive damages may also be available as well, if an employer acted with malice or reckless indifference. You may also be entitled to attorney's fees.



Facts About Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

HIRING

An employer cannot refuse to hire a woman because of her pregnancy related condition as long as she is able to perform the major functions of her job. An employer cannot refuse to hire her because of its prejudices against pregnant workers or the prejudices of co-workers, clients or customers.

PREGNANCY AND MATERNITY LEAVE

An employer may not single out pregnancy related conditions for special procedures to determine an employee's ability to work. However, an employer may use any procedure used to screen other employees' ability to work. For example, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy related conditions to submit such statements.

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee; for example, by providing modified tasks, alternative assignments, disability leave or leave without pay.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer may not have a rule which prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy related absence the same length of time jobs are held open for employees on sick or disability leave.

HEALTH INSURANCE

Any health insurance provided by an employer must cover expenses for pregnancy related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

Pregnancy related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable and customary charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as costs for other conditions. No additional, increased or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

FRINGE BENEFITS

Pregnancy related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy related conditions.

Employees with pregnancy related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases and temporary disability benefits.

FILING A CHARGE

The U.S. Equal Employment Opportunity Commission has issued guidelines, including questions and answers, interpreting the Pregnancy Discrimination Act (29 CFR 1604.10).

Charges of pregnancy discrimination may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most local telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-669-EEOC. EEOC's toll free TDD number is 800-800-3302. This fact sheet is also available in alternate formats, upon request.



MEDIATION

FACTS ABOUT MEDIATION

Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party helps the opposing parties reach a voluntary, negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, incorporate those areas of agreement into solutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other EEOC employees.

HOW DOES MEDIATION WORK?

An EEOC representative will contact the charging party and employer concerning their participation in the program. If both parties agree, a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney or other representation in order to participate in EEOC's mediation program, either party may choose to do so. It is important that persons attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the charge is investigated like any other charge. Information disclosed during

mediation will not be revealed to anyone... including other EEOC employees.

ADVANTAGES OF MEDIATION

- Mediation is an efficient process that saves time and money. Successful mediation avoids a time consuming investigation and achieves a prompt resolution of the charge. The majority of mediations are completed in one session, which usually lasts from one to five hours.
- Mediation is fair. Mediators are neutral third parties who have no interest in the outcome. Their role is to help the parties resolve the charge.
- Mediation is a confidential process. The sessions are not tape-recorded or transcribed. Notes taken during the mediation are discarded.
- Settlement agreements secured during mediation do not constitute an admission by the employer of any violation of the laws enforced by EEOC.
- Mediation avoids lengthy and unnecessary litigation.



For additional information about the mediation program at EEOC, you may contact EEOC's web page at www.eeoc.gov or the EEOC field office nearest you by calling our toll free numbers 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).



FACTS ABOUT SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- * The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- * The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- * The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- * Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- * The harasser's conduct must be unwelcome.

It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

(over)



The U. S. Equal Employment Opportunity Commission

The EEOC is responsible for eliminating discrimination at the workplace. The nation's federal employment discrimination laws ensure that anyone working in this country be treated fairly and justly under the laws, and be afforded appropriate protection and redress should an employer violate these laws. The laws enforced by the EEOC serve to deter unlawful discrimination by employers.

Facts About Compensation Discrimination

Compensation discrimination in employment is prohibited by the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990, all enforced by the U.S. Equal Employment Opportunity Commission. Collectively, these statutes require employers to compensate employees without regard to race, color, religion, sex, national origin, age, or disability.

The law against compensation discrimination includes all payments made to or on behalf employees as remuneration for employment. All forms of compensation are covered, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits.

Equal Pay Act

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides:

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. Each of these factors is summarized below:

Skill — Measured by factors such as the experience, ability, education, and training required to perform the job. The key issue is what skills are required for the job, not what skills the individual employees may have. For example, two bookkeeping jobs could be considered equal under the EPA even if one of the job holders has a master's degree in physics, since that degree would not be required for the job.

Effort — The amount of physical or mental exertion needed to perform the job. For example, suppose that men and women work side by side on a line assembling machine parts. The person at the end of the line must also lift the assembled product as he or she completes the work, and place it on a board. That job requires more effort than the other assembly line jobs if the extra effort of lifting the assembled product off the line is substantial and is a regular part of the job. As a result, it would not be a violation to pay that person more, regardless of whether the job is held by a man or a woman.

Responsibility — The degree of accountability required in performing the job. For example, a salesperson who is delegated the duty of determining whether to accept customers' personal checks has more responsibility than other salespeople. On the other hand, a minor difference in responsibility, such as assignment of the task of locking up at the end of the day, would not justify a pay differential.

Working Conditions — This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation, and (2) hazards. For example, suppose a male nurse's aide who works in a hospital is paid less than a female nurse's aid who works in patients' homes. This difference generally does not qualify as a difference in working conditions that would justify a pay differential, because the physical surroundings and hazards in the two locations typically are similar.

Establishment — The prohibition against compensation discrimination under the EPA applies only to jobs within any establishment. An establishment is a distinct physical place of business rather than an entire business or enterprise consisting of several places of business. However, in some circumstances, physically separate places of business should be treated as one establishment. For example, if a central administrative unit hires employees, sets their compensation, and assigns them to work locations, the separate work sites can be considered part of one establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

Title VII, ADEA, and ADA

Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, or disability. Unlike the EPA, there is no requirement under Title VII, the ADEA, or the ADA that the claimant's job be substantially equal to that of a higher paid person outside the claimant's protected class, nor do these statutes require the claimant to work in the same establishment as a comparator. The basic theories of disparate treatment and adverse impact generally apply to compensation discrimination claims under these statutes.

Compensation discrimination under Title VII, the ADEA, or the ADA can occur in a variety of forms. For example:

- An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the differential.
- A discriminatory compensation system has been discontinued but still has lingering discriminatory effects on present salaries. For example, if an employer has a compensation policy or practice that pays Hispanics lower salaries than other employees, the employer must not only adopt a new non-discriminatory compensation policy, it also must affirmatively

eradicate salary disparities that began prior to the adoption of the new policy and make the victims whole.

- An employer sets the compensation for jobs predominately held by, for example, women or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by men or whites is consistent with the level suggested by the job evaluation study.
- An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household" — i.e., married with dependents and the primary financial contributor to the household — the practice may have an unlawful disparate impact on women.

Employees who believe they are under-compensated because of their race, color, religion, sex, national origin, age, or disability may file a charge with the EEOC.

Employers are encouraged to evaluate their compensation systems to ensure that the compensation of employees is based on nondiscriminatory factors. Employers also should evaluate practices that may indirectly depress the compensation of employees in protected classes. For example, employers should make sure that promotion decisions, performance appraisal systems, and procedures for assigning work are non-discriminatory.

Information on training, information for small businesses, and other information can be found on the EEOC's Internet web site at www.eeoc.gov.



The U. S. Equal Employment Opportunity Commission

The EEOC is responsible for eliminating discrimination at the workplace. The nation's federal employment discrimination laws ensure that anyone working in this country be treated fairly and justly under the laws, and be afforded appropriate protection and redress should an employer violate these laws. The laws enforced by the EEOC serve to deter unlawful discrimination by employers.

Facts About the Americans With Disabilities Act

Title I of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

MEDICAL EXAMINATIONS AND INQUIRIES

Employers may not ask job applicants about the existence, nature or severity of a disability or require medical examinations of applicants, until after making an offer of employment. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the

results of a medical examination or inquiry, but only if the examination or inquiry is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

DRUG AND ALCOHOL ABUSE

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

EEOC ENFORCEMENT OF THE ADA

The U.S. Equal Employment Opportunity Commission issued regulations to enforce the provisions of Title I of the ADA on July 26, 1991. The provisions originally took effect on July 26, 1992, and covered employers with 25 or more employees. On July 26, 1994, the threshold dropped to include employers with 15 or more employees.

FILING A CHARGE

Charges of employment discrimination on the basis of disability, based on actions occurring on or after July 26, 1992, may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-669-EEOC. EEOC's toll free TDD number is 800-800-3302.

If you have been discriminated against on the basis of disability, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay or other remuneration, or reasonable accommodation including reassignment. You may also be entitled to damages to compensate you for future pecuniary losses, mental anguish and inconvenience. Punitive damages may be available, as well, if an employer acted with malice or reckless indifference. You may also be entitled to attorney's fees.

This fact sheet is also available in alternate formats, upon request.

FACTS ABOUT RACE/COLOR DISCRIMINATION

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of race and color as well as national origin, sex, or religion.

It is unlawful to discriminate against any employee or applicant for employment because of his/her race or color in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude minorities and that are not job related.

Equal employment opportunity cannot be denied because of marriage to or association with an individual of a different race; membership in or association with ethnic based organizations or groups; or attendance or participation in schools or places of worship generally associated with certain minority groups.

Race-Related Characteristics and Conditions

Discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features violates Title VII, even though not all members of the race share the same characteristic.

Title VII also prohibits discrimination on the basis of a condition which predominantly affects one race unless the practice is job related and consistent with business necessity. For example, since sickle cell anemia predominantly occurs in African-Americans, a policy which excludes individuals with sickle cell anemia must be job related and consistent with business necessity. Similarly, a "no-beard" employment policy may discriminate against African-American men who have a predisposition to pseudofolliculitis barbae (severe shaving bumps) unless the policy is job related and consistent with business necessity.

Harassment

Harassment on the basis of race and/or color violates Title VII. Ethnic slurs, racial "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color constitutes unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance.

(over)

Segregation and Classification of Employees

Title VII is violated where minority employees are segregated by physically isolating them from other employees or from customer contact. Title VII also prohibits assigning primarily minorities to predominantly minority establishments or geographic areas. It is also illegal to exclude minorities from certain positions or to group or categorize employees or jobs so that certain jobs are generally held by minorities. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where minorities are excluded from employment or from certain positions.

Pre-Employment Inquiries

Requesting pre-employment information which discloses or tends to disclose an applicant's race suggests that race will be unlawfully used as a basis for hiring. Solicitation of such pre-employment information is presumed to be used as a basis for making selection decisions. Therefore, if members of minority groups are excluded from employment, the request for such pre-employment information would likely constitute evidence of discrimination.

However, employers may legitimately need information about their employees' or applicants' race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use "tear-off sheets" for the identification of an applicant's race. After the applicant completes the application and the tear-off portion, the employer separates the tear-off sheet from the application and does not use it in the selection process.

Filing a Charge

Charges of race and/or color discrimination may be filed at any U.S. Equal Employment Opportunity Commission field office. Field offices are located in 50 cities throughout the U.S and are listed in most telephone directories under U.S. Government. You may also call 1-800-669-4000 or 1-800-669-6820 (TDD) to connect to the appropriate EEOC district office for your geographic area. Information on all EEOC-enforced laws may be obtained by calling toll free 1-800-669-EEOC or 1-800-800-3302 (TDD). The time limitation for filing a charge with the EEOC is 180 days from the date of the alleged discrimination, or 300 days in states with designated Fair Employment Practices Agencies.

If you have been discriminated against on the basis of race or color, you may be entitled to hiring, promotion, reinstatement, backpay, or other remuneration. You may also be entitled to damages to compensate you for future and past out-of-pocket losses, and emotional harm, inconvenience, and other nonpecuniary losses. Punitive damages may be available if the employer acted with malice or reckless indifference to your federally protected rights. You may also be entitled to attorney's fees.

This fact sheet is available in alternative formats, upon request.